place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Applicant understands that with the filing of this request for continued examination, the amendment after final rejection filed on 27 January 2006 will be entered and considered on its merits. If this understanding is incorrect, applicant respectfully requests prompt notification of the same in order that the amendment may be resubmitted and considered pursuant to the request for continued examination.

Further regarding this submission, there is presented hereinbelow additional remarks regarding patentability. Applicant respectfully submits that this fulfills the requirements for presentation of "a submission" under 37 CFR 1.114. Applicant further notes that the fee required is authorized to be charged to applicant's deposit account as set forth on the accompanying request for continued examination and also pursuant to the blanket fee charging authorization paragraph appearing at the bottom of this paper.

Additional Remarks Regarding Patentability

In refusing entry and consideration of the amendment filed 27 January 2006, the examiner asserted that the amendment required further search and consideration, and also contended that the amendment lacked support and raised the issue of new matter. Applicant respectfully submits that there is basis for the 27 January 2006 amendment at page 22, lines 14 to 24 in the specification as filed and also in claim 8 of the application as filed, and accordingly that there is no new matter issue raised by the amendment filed 27 January 2006.

In this regard, and for the examiner's convenience, applicant sets forth below the text from page 22, lines 14 through 24 of the application as filed:

Numerous types of libraries of peptides fused to the DBD can be screened under this embodiment including:

(i) Random peptide sequences encoded by synthetic DNA of variable length.

(ii) Single-chain Fv antibody fragments. These consist of the antibody heavy and light chain variable region domains joined by a flexible linker peptide to create a single-chain antigen binding molecule.

In the same vein, for the examiner's convenience, applicant presents below claim 8 from the application as filed:

8. A peptide display carrier package (PDCP) as claimed in any one of Claims 1 to 7 wherein said recombinant polynucleotide is bound to said chimeric protein as single stranded DNA.

Applicant respectfully submits that in light of the foregoing, it is clear that amended claim 1, as set forth in the amendment after final rejection filed 27 January 2006, reciting the limitation of "single stranded polynucleotide", does not raise any new matter issue since this subject matter was disclosed in the specification and recited in the claims of the application as filed. Moreover, it surely is the case that this limitation has already been searched. Claim 8 was presumably searched at the start of examination since claim 8 was the subject of art-based rejections under 35 USC 102(b) and 35 USC 103(a) in the official action of 11 May 2005.

In light of the foregoing, the Examiner's new matter objection is not understood and, in applicant's view, does not seem to be well-based. Applicant respectfully requests reconsideration and withdrawal of the examiner's new matter objection.

The Examiner has further objected to the amendment of claim 1, characterizing that amendment as changing "protein binding moiety" to "binding moiety is a protein", as stated in the advisory action. However, applicant respectfully notes that the Examiner's recitation of the

amendatory language is incorrect. The language in question has been amended to "...a binding moiety which is a protein and which is bound...".

The Examiner has further objected that the amendatory language is indefinite because it is allegedly not clear whether the "protein is the chimeric protein or a portion of the chimeric protein".

Applicant submits that the Examiner misunderstands the claim. It is absolutely clear from the claim language that the binding protein is neither the chimeric protein nor any portion of the chimeric protein. As recited in the claim, the binding moiety is a protein "...which is bound non-specifically to the polynucleotide irrespective of nucleotide sequence...". This limitation is clearly supported by and disclosed in the specification.

As explained in the specification, the binding protein is any protein that is able to bind to the polynucleotide in a non-specific manner. The non-specific binding of this protein is recited in claim 1.

In the specification, the text from page 5, line 33 through page 6, line 9 discloses the characteristic of the binding protein.

For the examiner's convenience, the text from page 5, line 24 through page 6, line 9 of the specification is reproduced below:

> Thus, in one aspect, the present invention provides a peptide display carrier package (PDCP), said package comprising a polynucleotide-chimeric protein complex wherein the chimeric protein has a nucleotide binding portion and a target peptide portion, wherein said polynucleotide comprises a nucleotide sequence motif which is specifically bound by said nucleotide binding portion, and wherein at least the chimeric protein encoding portion of the polynucleotide not bound by the nucleotide binding portion of the chimeric protein is protected.
>
> In one embodiment the polynucleotide is protected by a protein which binds non-specifically to naked polynucleotide. Examples include viral coat proteins, many of which are well-known in the art. Where the chosen viral coat protein requires

an initiation sequence to commence general binding to the polynucleotide this will be provided on the polynucleotide at appropriate location(s). A preferred coat protein is coat protein from a bacteriophage, especially M13.

Applicant respectfully submits that upon reconsideration of the passages set forth immediately above, the Examiner will clearly understand that the limitation of claim 1 wherein the binding moiety is a protein, which binds nonspecifically to the polynucleotide irrespective of the nucleotide sequence, is a limitation finding clear support in the specification. Applicant submits that the examiner will further find that this limitation does not involve any new matter, and is very, very definite as to the identification of the protein, all as currently recited in amended claim 1.

For the foregoing reasons, applicant believes that the application is now in condition for allowance and respectfully requests notification of the same.

To the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

Respectfully submitted,

Date: 27 March 2006

CHARLES N. QUINN
Registration No. 27,223
Attorney for Applicant

Fox Rothschild, LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19103
Tel: 215-299-2135

Fax: 215-299-2150
email: cquinn@foxrothschild.com

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rhonda Bryant
(signature)

BY: RHONDA BRYANT

DATE: MARCH 27, 2006